

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Patua Wopea,)
Petitioner,)
vs.) Case No. 2:09-cv-98
Eric H. Holder, Attorney General, et al.,)
Respondents.)

ORDER

Petitioner Patua Wopea filed a petition for a writ of habeas corpus (Doc. #1) pursuant to 28 U.S.C. § 2241 asserting claims arising out of his detention by Immigration and Customs Enforcement pending removal. When a prisoner seeks redress from a governmental entity the court must conduct an initial review of the petition prior to service upon the respondent. 28 U.S.C. § 1915A(a).

Petitioner alleges he is being unlawfully detained, and that such detention is a violation of his substantive and procedural due process rights. Because petitioner has alleged cognizable claims, the court directs that the petition be served upon the respondents.

IT IS ORDERED that the petition and this order be served upon Eric Holder, United States Attorney General; Janet Napolitano, Secretary of the Department of Homeland Security; Scott Baniecke, Field Office Director, United States Immigration and Customs Enforcement; Dan Hill, Grand Forks County Sheriff; and Bret Burkholder, Jail Administrator for Grand Forks County Correction Center. The respondents shall have sixty days after service of the petition to file an answer, motion or other response.

Dated this 13th of November, 2009.

/s/ Karen K. Klein
Karen K. Klein
United States Magistrate Judge